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MONTANA

Elementary and Secondary Education

Hurricane Relief Program Application Instructions for Emergency Impact Aid for Displaced Students and Assistance for Homeless Children and Youth

**Due to The Office of Public Instruction by
February 24, 2006**

NOTE: You can find the specific guidelines for this program on the U.S. Department of Education "Frequently Asked Questions" Web site found at <http://hurricanehelpforschools.gov/proginfo/fag-impact.pdf>.

PURPOSE

The Emergency Impact Aid for Displaced Students program provides funds through the Montana Office of Public Instruction districts to assist with the cost of educating students displaced by Hurricanes Katrina and Rita during school year 2005-06, for nonpublic schools serving displaced students, and for Bureau of Indian Affairs (BIA)-funded schools serving displaced students.

WHO IS ELIGIBLE?

"Displaced students," that is, the students for whom status may receive payments, are those students who:

- a. on August 22, 2005, resided in, and were enrolled or were eligible to be enrolled in a school in, an area for which the federal government later declared a major disaster related to Hurricane Katrina or Hurricane Rita; and
- b. as a result of their displacement by the storm, are enrolled in different schools on a date on which an enrollment count is taken for the purpose of this program.

Note that the definition includes students who, on the date a count is taken, are enrolled in a school in their original district but, because of the impact of one of the hurricanes, are not in their original school.

WHAT MUST A DISTRICT INCLUDE IN ITS APPLICATION TO THE STATE?

A district's application must include the following, along with identifying information and certifications:

- a. The procedures that the district will use to receive applications for assistance from the parents or guardians of nonpublic school students;
- b. The procedures that the district will use to make payments to accounts for nonpublic school students;
- c. The procedures that the district will use to obtain:
 - i. Certifications of attendance from nonpublic schools for displaced students; and
 - ii. Certifications from nonpublic schools that payments for displaced nonpublic school students will be used only for allowable purposes;
- d. Numbers of students displaced by Hurricane Katrina or Rita, including separate counts of numbers of students without disabilities and numbers of students with disabilities, who are enrolled in public schools;
- e. Numbers of students displaced by Hurricane Katrina or Rita, including separate counts of numbers of students without disabilities and numbers of students with disabilities, who are enrolled in nonpublic schools; and
- f. An assurance that the district will make payments to all accounts established for displaced students enrolled in nonpublic schools within 14 days of receiving its allocation.

WHAT MUST BE INCLUDED IN THE APPLICATION OF A PARENT OF A NONPUBLIC SCHOOL STUDENT?

Parents or guardians must provide verification and evidence that the students on whose behalf they are applying meet the definition of displaced students. (See Page 1.) They must also supply evidence, such as a registration form, that they enrolled displaced students in an eligible, nonpublic school for the quarter(s) claimed and prior to December 30, 2005.

Parents of nonpublic school displaced students should promptly submit the required data and supporting documentation to their appropriate district so that program funds can be received on behalf of those students.

WHEN MUST A DISTRICT COUNT DISPLACED STUDENTS?

The U.S. Department of Education has identified four suggested quarterly count dates for identifying numbers of eligible displaced students: October 1, 2005; December 1, 2005; February 1, 2006; and April 1, 2006. Montana will use these dates.

HOW MAY A DISTRICT IDENTIFY ELIGIBLE DISPLACED STUDENTS?

A district must take a count of the displaced students it has enrolled on each of the count dates, based on the definition of an eligible “displaced student” discussed in “Who is Eligible?” In doing so, it must document that, on August 22, 2005, each such student was enrolled, or eligible to be enrolled, in a public or nonpublic school within the disaster areas covered by the declarations for Hurricanes Katrina and Rita and resided in that area on that date.

Similarly, for students enrolled in nonpublic schools, the district must take a count of the number of students whose parents have applied for assistance under the program. It must document that, on August 22, 2005, each such student was enrolled, or eligible to be enrolled, in a public or nonpublic school within the disaster areas covered by the declarations for Hurricanes Katrina and Rita and resided in that area on that date.

Examples of documentation include, but are not limited to, a transcript from the student’s former school, a student registration form with a former address within the disaster areas, verification of enrollment from a state, a utility bill, or a copy of a parent’s driver’s license.

HOW MAY A DISTRICT IDENTIFY ELIGIBLE DISPLACED STUDENTS WITH DISABILITIES?

A district with an eligible displaced student may identify that student as a student with a disability by determining the student’s eligibility for services under the Individuals with Disabilities Act (IDEA). This could be done either by the district conducting its own evaluation and determining the student eligible or obtaining evidence, such as the most recent IDEA eligibility determination for the student or the student’s last individualized education program (IEP) as defined in Section 614(d)(2) of the IDEA, that the former school or district had determined the student to be eligible under the IDEA. Any funds received by a district on behalf of a displaced student with a disability must be used for special education and related services consistent with the IDEA.

PAYMENT OF FUNDS

The Montana Office of Public Instruction (OPI) will make every effort to issue quarterly payments to its applicant districts and BIA-funded schools within 14 days following receipt of a payment from the Secretary.

The Montana OPI and BIA schools must obligate funds received under this program by July 31, 2006. The Montana OPI must return any funds that are not obligated by any of these entities by this deadline to the U.S. Department of Education. Obligations must be liquidated within 90 days of this July 31 date.

USES OF FUNDS

Districts shall use federal funds received under this part only to supplement the funds that would, in the absence of such federal funds, be made available from nonfederal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

These entities may use program funds to provide instructional opportunities for displaced students who enroll in their schools and for expenses the recipient incurs in serving displaced students. Examples of allowable expenses include:

- a. paying the compensation of personnel, including teacher aides, in schools enrolling displaced students;
- b. identifying and acquiring curricular material and classroom supplies;
- c. acquiring or leasing mobile educational units or leasing sites and spaces (to the extent that those costs are not met by FEMA);
- d. providing basic instructional services for displaced students, including tutoring, mentoring, or academic counseling;
- e. paying reasonable transportation costs;
- f. providing health and counseling services; and
- g. providing education and support services.

While the activities and services must be related to serving displaced students, there is no requirement that they be provided only to those students. For instance, one of the allowable activities under the law is provision of basic instructional services. There is no requirement that program funds be used to provide those services only to displaced students; rather, districts may use the funds to support regular classroom programs in which both displaced and other students participate. Similarly, the law authorizes the use of funds for reasonable transportation costs. Districts are under no obligation to provide separate transportation, using these funds, to displaced students. They may instead use the money to support their regular transportation budget, taking care to ensure that the transportation needs of displaced students are met.

A district may use up to 2 percent of its allocation for administration of the program.

Recipients of funds under this program for students with disabilities may use those funds only to pay for special education and related services consistent with the IDEA. However, the law does not require that these funds be used to provide special education and related services only to students displaced by the hurricanes. They may become part of a district's or school's regular special education budget, and the district or school may use them to provide activities and services in which both displaced and other students with disabilities participate, taking care to ensure that the special education needs of displaced students are met.

RECORDKEEPING

In general, all district and BIA recipients of Emergency Impact Aid must maintain adequate written records to support the amount of payments that are received and the allowable expenditures that are made under the program for this fiscal year. At a minimum, recipients must keep auditable records documenting the enrollments of the displaced children who they claimed as the basis for receiving payments and evidence that the children claimed met the definition of a displaced student. On request, any recipient must make its records available to the U.S. Department of Education for the purpose of examination or audit. The full requirements regarding recordkeeping are in the Department's regulations at 34 CFR 80.42.

At a minimum, a nonpublic school that receives Emergency Impact Aid funds from student accounts must maintain adequate written records to support the amount of funds that are received and the allowable expenditures that are made under the program for this fiscal year. Recipients must keep auditable records documenting the enrollments of the displaced children on whose behalf the nonpublic school received payments for displaced students.

PAYMENTS ON BEHALF OF DISPLACED STUDENTS ENROLLED IN NONPUBLIC SCHOOLS

An eligible nonpublic school is one that is accredited or otherwise operates in accordance with state law, was in existence on August 22, 2005, and serves at least one student whose family has applied for assistance under the program. In addition, participating nonpublic schools must abide by certain civil rights requirements, described below. A nonpublic school must also waive tuition or reimburse tuition paid in order to receive funds under this program.

From the time that they receive funds under the program through July 31, 2006, nonpublic schools that receive funds on behalf of displaced students under this program must comply with the program statute's non-discrimination provision, which prohibits discrimination on the basis of race, color, national origin, religion, disability, or sex. Additionally, nonpublic school receiving funds on behalf of displaced students under this program are considered recipients of federal financial assistance, and are subject for the grant period (from the time of the grant award through July 31, 2006) to the provisions of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act, which are enforced by the Department's Office for Civil Rights.

In addition, any entity that employs 15 or more employees is subject to Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of race, color, national origin, religion, or sex, except that Title VII may not apply to the employment of individuals of a particular religion by a religious organization, such as a nonpublic religious school. Title VII is enforced by the Equal Employment Opportunity Commission.

Displaced students attending a nonpublic school must meet certain additional criteria beyond the requirements discussed in "Who is Eligible?" They must have enrolled in an eligible nonpublic school prior to December 30, 2005, the date of enactment of the Hurricane Education Recovery Act (Act). The students' parents must have chosen to enroll the students in a nonpublic school, and the students' parents must submit a timely application for funding under this program to the district.

HOW AND WHERE DOES A DISTRICT ESTABLISH AN "ACCOUNT" FOR DISPLACED NONPUBLIC SCHOOL STUDENTS?

These accounts may be established as part of the district's financial recording system, at the nonpublic schools the displaced students attend, or through some other means such as an account at a financial institution. The district makes the funds in these accounts available to the nonpublic schools that these displaced students attend. The districts and nonpublic schools must record (such as in a ledger or spreadsheet) the names of the displaced students, the funds provided for each student, and the disbursement of those funds to a particular nonpublic school.

The Montana OPI will provide notice to each parent of a displaced student attending a nonpublic school informing the parent that:

- a. the parent or guardian has the option to enroll his or her child in a public school or a nonpublic school; and
- b. Emergency Impact Aid is a temporary program that will be available only for the 2005-06 school year.

USE OF FUNDS BY NONPUBLIC SCHOOLS

Nonpublic schools that receive payments from accounts on behalf of displaced students enrolled in their schools may use those funds for any of the following services and activities:

- a. paying the compensation of personnel, including teacher aides;
- b. identifying and acquiring curricular material and classroom supplies;
- c. acquiring or leasing mobile educational units or leasing sites and spaces (to the extent that those costs are not met by FEMA);
- d. providing basic instructional services for displaced students, including tutoring, mentoring, or academic counseling;

- e. paying reasonable transportation costs;
- f. providing health and counseling services; and
- g. providing education and support services.

As with payments made on behalf of displaced students enrolled in public schools, there is no requirement that the nonpublic schools use these funds for activities and services that serve only displaced students. Also, nonpublic schools may not use the funds for construction or major renovations.

Recipients of funds under the program on behalf of students with disabilities may use those funds only to pay for special education and related services consistent with the IDEA. However, the law does not require that these funds be used to provide special education and related services only to students displaced by the hurricanes. They may become part of a school's regular special education budget, and the school may use them to provide activities and services in which both displaced and other students with disabilities participate, taking care to ensure that the special education needs of displaced students are met.

Under the IDEA, districts typically provide special education and related services to students enrolled in nonpublic schools. A district that provides such services to a displaced student enrolled in a nonpublic school may retain a portion of the money that it would otherwise place in the student's account in order to cover its cost of providing those services.

From the time that they receive funds under the program through July 31, 2006, nonpublic schools that receive funds on behalf of displaced students under this program must comply with the program statute's non-discrimination provision, which prohibits discrimination on the basis of race, color, national origin, religion, disability, or sex. Additionally, nonpublic schools receiving funds on behalf of displaced students under this program are considered recipients of federal financial assistance, and are subject for the grant period (from the time of the grant award through July 31, 2006) to the provisions of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act, which are enforced by the Department's Office for Civil Rights.

In addition, any entity that employs 15 or more employees is subject to Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of race, color, national origin, religion, or sex, except that Title VII may not apply to the employment of individuals of a particular religion by a religious organization, such as a nonpublic religious school. Title VII is enforced by the Equal Employment Opportunity Commission.

OTHER ISSUES

Any school that enrolls displaced students who generate payments under this program must not discriminate against students on the basis of race, color, national origin, religion, disability, sex or age. However, the prohibition on religious discrimination is limited with respect to a nonpublic school that is controlled by a religious organization or organization that is operated on the basis of religious tenets in that it only applies to displaced students who generate payments under this program.

In addition, under Title IX of the Education Amendments of 1972 (Title IX) a nonpublic school that is controlled by a religious organization may seek an exemption from any Title IX provision, if that provision is inconsistent with the religious tenets of that religious organization. Moreover, to the extent that is consistent with Title IX, a parent or guardian is still free to choose and a nonpublic school may still offer a single sex, school, class, or activity.

The Office of Public Instruction is committed to equal employment opportunity and nondiscriminatory access to all of our programs and services, and will take necessary and appropriate steps to insure that the workplace and OPI programs and services are free of discrimination and sexual harassment. For information or to file a complaint, contact Kathy Bramer, OPI Title IX/EEO Coordinator at (406) 444-3161 or KBramer@mt.gov.



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Elementary and Secondary Education

Hurricane Relief Program Application by Bureau of Indian Affairs-Funded Schools for Emergency Impact Aid for Displaced Students and Assistance for Homeless Children and Youth

BIA School Name

Street/PO Box

City

County

State

ZIP Code

Contact Person's Name

Title

Telephone

Fax

E-Mail

Report total numbers of displaced students in the BIA school by category. Use whole numbers only. Do not include any numbers of students in more than one category. For each quarter report the number of displaced students as of the reporting date for that quarter. Include this form with the BIA school's original application. Submit data for the remaining quarters as they become available.

	Quarter 1 on _____, 2005	Quarter 2 on _____, 2005	Quarter 3 on _____, 2006	Quarter 4 on _____, 2006
BIA SCHOOLS: Total number of displaced students: (1) enrolled in the BIA school, and (@) who <u>are not</u> receiving special education and related services consistent with IDEA				
BIA SCHOOLS: Total number of displaced students: (1) enrolled in the BIA school, and (2) who <u>are</u> receiving special education and related services consistent with IDEA				

I certify that I have read the statements contained in this application and that these statements and all of the data included in this application are, to the best of my knowledge and belief, true, complete and correct. I certify that I am authorized to make the representations and commitments in this application, for and on behalf of the applicant, and otherwise to act as the applicant's authorized representative in submitting this application for funding.

Name and Title of Authorized Representative

Signature

Date

Complete and return by February 24, 2006, to:
Terry Teichrow, Homeless Children Specialist
Office of Public Instruction
PO Box 202501
Helena MT 59620-2501
www.opi.mt.gov